

## Message Text

LIMITED OFFICIAL USE

PAGE 01 GENEVA 08808 091717Z  
ACTION STR-07

INFO OCT-01 IO-13 ISO-00 STRE-00 SSO-00 NSCE-00 INRE-00  
ICAE-00 AF-10 ARA-10 EA-10 EUR-12 NEA-11 AGRE-00  
CEA-01 CIAE-00 COME-00 DODE-00 EB-08 FRB-03 H-01  
INR-10 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01  
CTME-00 AID-05 SS-15 ITC-01 TRSE-00 ICA-11 SP-02  
SOE-02 OMB-01 DOE-15 JUSE-00 /167 W  
-----008343 091719Z /53

O 091706Z JUN 78  
FM USMISSION GENEVA  
TO SECSTATE WASHDC IMMEDIATE 0664

LIMITED OFFICIAL USE GENEVA 08808

USMTN

STR FOR ACTION

STR PASS CODEL

E.O. 11652: N/A  
TAGS: MTN, ETRD  
SUBJECT: SUMMARY OF INFORMAL DISCUSSION ON LICENSING  
- TEXTS

REF: (A) GENEVA 8162; (B) GENEVA 7590

1. IN ADDITION TO REFTELS REPORTING DISCUSSIONS WITH JAPANESE AND CANADIAN DELEGATIONS AND PREVIOUS DISCUSSIONS WITH MEXICANS, U.S. DEL HAS CONDUCTED INFORMAL DISCUSSIONS WITH EC, NORDICS, NEW ZEALAND, INDIA, AND BRAZILIAN DELEGATIONS ON LICENSING AND POSSIBLE FUTURE WORK PROGRAM ON THE DRAFT LICENSING TEXTS. THESE DISCUSSIONS HAVE REVEALED SOME REOCCURRING ISSUES DEALING PRIMARILY WITH THE SCOPE (DEFINITION) OF LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 GENEVA 08808 091717Z

THE DRAFT TEXTS.

2. CANADA, JAPAN, AND NORDIC DELEGATIONS SHARE A DIFFICULTY IN DISCUSSING THE AIL TEXT SOLELY IN TERMS OF A "SAFEGUARD SITUATION". THEIR VIEW IS THAT A SURVEILLANCE MECHANISM MAY NOT RESTRICT IMPORTS AND, THEREFORE, NOT BE ASSOCIATED WITH A SAFEGUARD OR PRE-SAFEGUARD SITUATION.

INDEED, THE NORDIC (HAGFORS) AND CANADIAN DELS HAVE STATED THAT THE PRIMARY INTENTION OF SURVEILLANCE SYSTEM IS TO AVOID RECOURSE TO ANY RESTRICTIVE MEASURES. ACCORDING TO NORDIC SPOKESMAN, SWEDEN AND NORWAY HAVE SURVEILLANCE SYSTEMS IN PLACE ON CERTAIN PRODUCTS WHILE FINLAND HAS A LEGAL AUTHORITY TO INTRODUCE SUCH A SYSTEM. WHILE NEW ZEALAND DOES NOT HAVE AN AIL SYSTEM, IT IS CONSIDERING ADOPTING AN AIL FOR SURVEILLANCE PURPOSES WHEN PRESENT RESTRICTIVE SYSTEM IS ELIMINATED. THEREFORE, NEW ZEALAND DEL IS SEEKING NEW INSTRUCTIONS TO TAKE ACCOUNT THE POSSIBILITY OF SUCH A NEW SYSTEM.

3. BRAZIL (MOURAO) AND MEXICO (DELGADO) HAVE DIFFICULTIES WITH THE LICENSING TO ADMINISTER IMPORT RESTRICTIONS (LAIR) TEXTS, ESPECIALLY WITH RESPECT TO ITS REFERENCE TO "RESTRICTION". IN THEIR VIEW, LICENSING SYSTEM IS USED FOR A VARIETY OF REASONS AND NOT NECESSARILY TO ADMINISTER RESTRICTIONS. FOR EXAMPLE, IN BRAZIL THE GIA IMPORTACO IS ISSUED AUTOMATICALLY (WITHIN TEN DAYS) UNLESS THE IMPORTER IS SEEKING DUTY EXEMPTIONS (E.G., UNDER THE LAW OF SIMILARS). SINCE SYSTEM IS NOT USED TO ADMINISTER IMPORT RESTRICTIONS SUCH AS A QR, BRAZIL BELIEVES THAT THE GIA SYSTEM FALLS WITHIN THE SCOPE OF THE AIL TEXT. U.S. DEL COMMENTED THAT, IN OUR VIEW, THE GIA SYSTEM IS NOT AN AUTOMATIC ONE. MEXICO HAS TAKEN A SIMILAR LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 GENEVA 08808 091717Z

VIEW WHICH WAS EXEMPLIFIED IN THEIR RESERVATION ON THE USE OF THE TERM "RESTRICTION" IN THE TITLE OF THE TEXT. INDIA POINTED OUT THAT ITS OPEN GENERAL LICENSING REGIME IS NOT A LICENSING SYSTEM IN THE SENSE OF LAIR, BUT IS AN ARCHAIC EXPRESSION USED FOR IMPORTS NOT SUBJECT TO RESTRICTION. INDIA DOES MAINTAIN A LICENSING SYSTEM TO RESTRICT SOME IMPORTS THAT WOULD FALL WITHIN THE LAIR TEXT.

4. FUTURE WORK: ALL DELS CONTACTED, INCLUDING THE EC, HAVE EVIDENCED A WILLINGNESS TO PARTICIPATE IN ANY FUTURE WORK ON THE LICENSING TEXTS ALTHOUGH NONE GAVE THE IMPRESSION THAT THEY HAVE HIGH INTEREST IN PRESSING AHEAD. THEREFORE, MOVEMENT IN THIS AREA WILL DEPEND UPON THE U.S. GENERATING SUFFICIENT INTEREST. IN LIGHT OF THESE PRELIMINARY CONTACTS WE PLAN TO CONVENE AN INFORMAL PLURILATERAL GROUP TO UNDERTAKE A REVIEW OF BOTH TEXTS ON JUNE 16. THE OBJECTIVE OF THE SESSION WOULD BE TO GAIN BETTER FOCUS OF KEY PROBLEMS TO BE RESOLVED AND ATTEMPT TO CLEAN UP HEAVILY BRACKETED TEXTS. AS NOTED IN REF (A), U.S. DEL HAS DETAILED PAPER ON THE LAIR TEXT BUT HAS NO SUCH

PAPER WITH RESPECT TO THE AIL TEXT. IF U.S. MTN DEL  
IS TO MAKE A MEANINGFUL INPUT ON THE AIL DRAFTING,  
WE WOULD APPRECIATE A DETAILED TEXT ON THIS PAPER  
AS SOON AS POSSIBLE.

5. DRAFTED BY WALLAR. MCDONALD

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** IMPORTS, LICENSES, MEETING REPORTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 09 jun 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978GENEVA08808  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780242-0029  
**Format:** TEL  
**From:** GENEVA USMTN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780678/aaaacopv.tel  
**Line Count:** 122  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 80e5c58c-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION STR  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 78 GENEVA 8162, 78 GENEVA 7590  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 05 may 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** N/A  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2421528  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SUMMARY OF INFORMAL DISCUSSION ON LICENSING - TEXTS  
**TAGS:** ETRD, MTN  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/80e5c58c-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014